UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/2000/143
24 February 2000

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Draft resolution

The Security Council,

Recalling its resolutions 1234 (1999) of 9 April 1999, 1258 (1999) of 6 August 1999, 1273 (1999) of 5 November 1999, 1279 (1999) of 30 November 1999, and other relevant resolutions, and the statements of its President of 26 January 2000 (S/PRST/2000/2), 24 June 1999 (S/PRST/1999/17), 11 December 1998 (S/PRST/1998/36), 31 August 1998 (S/PRST/1998/26) and 13 July 1998 (S/PRST/1998/20),

Reaffirming the purposes and principles of the Charter of the United Nations and the primary responsibility of the Security Council for the maintenance of international peace and security, and the obligation of all States to refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Reaffirming the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo and all States in the region,

Reaffirming also the sovereignty of the Democratic Republic of the Congo over its natural resources, and noting with concern reports of the illegal exploitation of the country's assets and the potential consequences of these actions on security conditions and the continuation of hostilities,

Expressing its strong support for the Lusaka Ceasefire Agreement (S/1999/815), which represents the most viable basis for the peaceful resolution of the conflict in the Democratic Republic of the Congo,

Reiterating its call for the orderly withdrawal of all foreign forces from the territory of the Democratic Republic of the Congo in accordance with the Ceasefire Agreement,

Noting the commitment of all the parties to the Ceasefire Agreement to locate, identify, disarm and assemble all members of all armed groups in the Democratic Republic of the Congo referred to in Annex A, Chapter 9.1, of the Ceasefire Agreement and the commitment of all countries of origin of these armed

groups to take the steps necessary for their repatriation, and noting that these tasks must be conducted by the parties in accordance with the Ceasefire Agreement,

Endorsing the selection by the Congolese Parties, with the assistance of the Organization of African Unity, of the Facilitator of the National Dialogue provided for in the Ceasefire Agreement, and calling on all Member States to provide political, financial, and material support to the Facilitation,

Recalling the report of the Secretary-General of 17 January 2000 (S/2000/30),

Stressing its commitment to work with the parties to implement fully the Ceasefire Agreement, while underlining that its successful implementation rests first and foremost on the will of all parties to the Agreement,

Stressing the importance of the re-establishment of state administration throughout the national territory of the Democratic Republic of the Congo as called for in the Ceasefire Agreement,

Stressing the importance of the Joint Military Commission (JMC), and urging all States to continue to provide it with assistance,

Emphasizing that phase II of the deployment of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) should be based on the following considerations:

(a) that the parties respect and uphold the Ceasefire Agreement and the relevant Council resolutions;

(b) that a valid plan for the disengagement of the parties' forces and their redeployment to JMC-approved positions is developed;

(c) that the parties provide firm and credible assurances, prior to the deployment of MONUC forces, for the security and freedom of movement of United Nations and related personnel,

Recalling the relevant principles contained in the Convention on the Safety of the United Nations and Associated Personnel adopted on 9 December 1994 and the statement of its President of 10 February 2000 (S/PRST/2000/4),

Welcoming and encouraging efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

Expressing its serious concern over the humanitarian situation in the Democratic Republic of the Congo, and encouraging donors to respond to the United Nations consolidated humanitarian appeal,

Stressing the importance to the effectiveness of such humanitarian assistance and other international operations in the Democratic Republic of the

Congo of favourable conditions for local procurement and recruitment by international organizations and agencies,

Expressing its deep concern at all violations and abuses of human rights and international humanitarian law, in particular those alleged violations referred to in the report of the Secretary-General,

Expressing also its deep concern at the limited access of humanitarian workers to refugees and internally displaced persons in some areas of the Democratic Republic of the Congo, and stressing the need for the continued operation of United Nations and other agencies' relief operations, as well as human rights promotion and monitoring, under acceptable conditions of security, freedom of movement, and access to affected areas,

Determining that the situation in the Democratic Republic of the Congo constitutes a threat to international peace and security in the region,

1. Calls on all parties to fulfil their obligations under the Ceasefire Agreement;

2. Reiterates its strong support for the Special Representative of the Secretary-General in the Democratic Republic of the Congo and his overall authority over United Nations activities in the Democratic Republic of the Congo, and calls on all parties to cooperate fully with him;

3. Decides to extend the mandate of MONUC until 31 August 2000;

4. Authorizes the expansion of MONUC to consist of up to 5,537 military personnel, including up to 500 observers, or more, provided that the Secretary-General determines that there is a need and that it can be accommodated within the overall force size and structure, and appropriate civilian support staff in the areas, inter alia, of human rights, humanitarian affairs, public information, child protection, political affairs, medical support and administrative support, and requests the Secretary-General to recommend immediately any additional force requirements that might become necessary to enhance force protection;

5. Decides that the phased deployment of personnel referred to in paragraph 4 above will be carried out as and if the Secretary-General determines that MONUC personnel will be able to deploy to their assigned locations and carry out their functions as described in paragraph 7 below in conditions of adequate security and with the cooperation of the parties, and that he has received firm and credible assurances from the parties to the Ceasefire Agreement to that effect, and requests the Secretary-General to keep the Council informed in this regard;

6. Decides that MONUC will establish, under the overall authority of the Special Representative of the Secretary-General, a joint structure with the JMC that will ensure close coordination during the period of deployment of MONUC, with co-located headquarters and joint support and administrative structures;

7. Decides that MONUC, in cooperation with the JMC, shall have the following mandate:

(a) to monitor the implementation of the Ceasefire Agreement and investigate violations of the ceasefire;

(b) to establish and maintain continuous liaison with the field headquarters of all the parties' military forces;

(c) to develop, within 45 days of adoption of this resolution, an action plan for the overall implementation of the Ceasefire Agreement by all concerned with particular emphasis on the following key objectives: the collection and verification of military information on the parties' forces, the maintenance of the cessation of hostilities and the disengagement and redeployment of the parties' forces, the comprehensive disarmament, demobilization, resettlement and reintegration of all members of all armed groups referred to in Annex A, Chapter 9.1 of the Ceasefire Agreement, and the orderly withdrawal of all foreign forces;

(d) to work with the parties to obtain the release of all prisoners of war, military captives and remains in cooperation with international humanitarian agencies;

(e) to supervise and verify the disengagement and redeployment of the parties' forces;

(f) within its capabilities and areas of deployment, to monitor compliance with the provisions of the Ceasefire Agreement on the supply of ammunition, weaponry and other war-related matériel to the field, including to all armed groups referred to in Annex A, Chapter 9.1;

(g) to facilitate humanitarian assistance and human rights monitoring, with particular attention to vulnerable groups including women, children and demobilized child soldiers, as MONUC deems within its capabilities and under acceptable security conditions, in close cooperation with other United Nations agencies, related organizations and non-governmental organizations;

(h) to cooperate closely with the Facilitator of the National Dialogue, provide support and technical assistance to him, and coordinate other United Nations agencies' activities to this effect;

(i) to deploy mine action experts to assess the scope of the mine and unexploded ordnance problems, coordinate the initiation of mine action activities, develop a mine action plan, and carry out emergency mine action activities as required in support of its mandate;

8. Acting under Chapter VII of the Charter of the United Nations, decides that MONUC may take the necessary action, in the areas of deployment of its infantry battalions and as it deems it within its capabilities, to protect United Nations and co-located JMC personnel, facilities, installations and equipment, ensure the security and freedom of movement of its personnel, and protect civilians under imminent threat of physical violence;

9. Calls on the parties to the Ceasefire Agreement to support actively the deployment of MONUC to the areas of operations deemed necessary by the Special Representative of the Secretary-General, including through the provision of assurances of security and freedom of movement as well as the active participation of liaison personnel;

10. Requests the Governments of the States in the region to conclude, as necessary, status-of-forces agreements with the Secretary-General within 30 days of adoption of this resolution, and recalls that pending the conclusion of such agreements the model status-of-forces agreement dated 9 October 1990 (A/45/1594) should apply provisionally;

11. Requests the Secretary-General, on the basis of concrete and observed military and political progress in the implementation of the Ceasefire Agreement and relevant Council resolutions, to continue to plan for any additional United Nations deployments in the Democratic Republic of the Congo and to make recommendations for further Council action;

12. Calls on all parties to ensure the safe and unhindered access of relief personnel to all those in need, and recalls that the parties must also provide guarantees for the safety, security and freedom of movement for United Nations and associated humanitarian relief personnel;

13. Calls on all parties to cooperate with the International Committee of the Red Cross to enable it to carry out its mandates as well as the tasks entrusted to it under the Ceasefire Agreement;

14. Condemns all massacres carried out in and around the territory of the Democratic Republic of the Congo, and urges that an international investigation into all such events be carried out with a view to bringing to justice those responsible;

15. Calls on all parties to the conflict in the Democratic Republic of the Congo to protect human rights and respect international humanitarian law and the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, and calls on all parties to refrain from or cease any support to, or association with, those suspected of involvement in the crime of genocide, crimes against humanity or war crimes, and to bring to justice those responsible, and facilitate measures in accordance with international law to ensure accountability for violations of international humanitarian law;

16. Expresses its deep concern over the illicit flow of arms into the region, calls upon all concerned to halt such flows, and expresses its intention to consider this issue further;

17. Expresses its serious concern at reports of illegal exploitation of natural resources and other forms of wealth in the Democratic Republic of the Congo, including in violation of the sovereignty of that country, calls for an end to such activities, expresses its intention to consider the matter further, and requests the Secretary-General to report to the Council within 90 days on ways to achieve this goal;

18. Reaffirms the importance of holding, at the appropriate time, an international conference on peace, security, democracy and development in the Great Lakes region under the auspices of the United Nations and the Organization of African Unity, with the participation of all the Governments of the region and all others concerned;

19. Requests the Secretary-General to provide a report every 60 days to the Council on progress in the implementation of the Ceasefire Agreement and this resolution;

20. Decides to remain actively seized of the matter.

UNITED NATIONS **S**

Security Council

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23 February 2000
ENGLISH
ORIGINAL: ARABIC

IDENTICAL LETTERS DATED 22 FEBRUARY 2000 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 21 February 2000 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of Iraq, giving details of the aggression committed by United States and British aircraft against civilian and services-related installations in Iraq on 19 February 2000.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Ambassador
Permanent Representative

Annex

Identical letters dated 21 February 2000 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General and to the President of the Security Council

Further to my letter of 14 February 2000 (S/2000/123, annex), I should like to inform you that three Iraqi citizens were wounded in the latest act of malicious aggression committed by United States and British aircraft. Details of this criminal act are given hereunder.

From 1550 hours on 19 February 2000, eight hostile formations coming from Turkish airspace and supported by an AWACS aircraft carried out 16 armed sorties in which they overflew areas of Dokuk, Irbil and Ninawa governorates. They attacked civilian and services-related installations, and three innocent citizens were wounded as a result. The number of missions thus far flown by United States and British aircraft from Turkish airspace since the treacherous act of general aggression of December 1998 is thus 3,314.

From 1150 hours on the same day, 13 formations of United States and British aircraft carried out 26 missions from Saudi airspace and eight from Kuwaiti airspace. They were supported by an AWACS aircraft inside Saudi airspace and an E-2C aircraft inside Kuwaiti airspace. The aircraft attacked civilian and services-related installations in areas of Basrah, Dhi Qar, Wasit, Maysan, Qadisiyah and Najaf governorates. The number of armed sorties thus far flown by aircraft from Saudi and Kuwaiti airspace since the criminal aggression against Iraq of December 1998 is thus 15,514.

The United States and British aggression against a steadfast Iraq has come to constitute their fixed policy for the achievement of their political objectives aimed at undermining the country's sovereignty, independence and territorial integrity.

By the most elementary standards of international intercourse, the declared policy of the leaders of the two countries in question constitutes flagrant violation of the Charter of the United Nations and all the principles of international law affirming that the use or threat of use of force against the integrity or independence of any State must be rejected.

The Government of the Republic of Iraq, which views the countries in question as bearing full international responsibility for these acts of aggression and provocation and for their consequences and the damage caused by them, reserves in full its inalienable right to take the measures necessary to defend the inviolability and sovereignty of Iraq's territory and the security of its people as well as its right to seek compensation for all the losses it has sustained in human, material and moral terms owing to these same acts, in accordance with the principle of international responsibility.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq

UNITED NATIONS **S**

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LETTER DATED 22 FEBRUARY 2000 FROM THE PERMANENT REPRESENTATIVE OF CHAD TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you a letter from Mr. Idriss Deby, President of the Republic of Chad, expressing his concern at the withdrawal of the United Nations Mission in the Central African Republic (MINURCA) (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council and placed in the dossier of the Central African Republic of which the Council is seized.

[Signed] Ahmat A. HAGGAR
Ambassador
Permanent Representative

ANNEX

Letter from Mr. Idriss Deby, President of the Republic of Chad, addressed to the President of the Security Council

In its resolution 1271/99 of 22 October 1999, the Security Council decided to withdraw the United Nations Mission in the Central African Republic (MINURCA).

The international community in general, and African regional and subregional organizations in particular, welcome the return of peace and harmony to the Central African Republic and especially the actions carried out through MINURCA.

These actions have made it possible for the presidential and legislative elections in the Central African Republic to take place smoothly and for democratic institutions to be established in the country.

Nevertheless, certain institutions important to ensuring peace, security and stability in the country have not been put in place, particularly the army, which has not yet been restructured.

This withdrawal seems to us premature, and would endanger the process under way, for the following reasons:

(a) Recent developments in the country lead us to believe that the worst is possible;

(b) Instability in the subregion, characterized by the continuing war in the Democratic Republic of the Congo and in southern Sudan, and the fragility of the political situation in the Republic of the Congo, all countries that are neighbours of the Central African Republic.

For this reason, in my threefold capacity as President of the United Nations Standing Advisory Committee on Security Questions in Central Africa, President of the Central African Economic and Monetary Community (CEMAC) and President of the Community of Sahelo-Saharan States (CEN-SAD), I am asking you to request the Security Council to review the political and security situation in this country with a view to extending the mandate of MINURCA, either in its current form or in a new form, so as to enable lasting peace to be restored to the Central African Republic.

From this standpoint, my country, Chad, is ready to participate in the establishment of this new structure.

UNITED NATIONS **A S**

General Assembly
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GENERAL ASSEMBLY
Fifty-fourth session
Agenda item 76
GENERAL AND COMPLETE DISARMAMENT

SECURITY COUNCIL
Fifty-fifth year

Letter dated 24 February 2000 from the Permanent Representative of Costa Rica to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith the draft international code of conduct on arms transfers drawn up by a group of 19 eminent persons and institutions that have received the Nobel Prize for Peace, including Dr. Oscar Arias Sánchez, former President of Costa Rica, Desmond Tutu, José Ramos Horta and Amnesty International (see annex).

I should be grateful if you would have this letter and its annex distributed as an official document of the General Assembly, under agenda item 76, and of the Security Council.

(Signed) Bernd NIEHAUS
Ambassador
Permanent Representative

ANNEX

[Original: English]

"NOBEL PEACE LAUREATES" INTERNATIONAL CODE OF CONDUCT ON ARMS TRANSFERS

INTRODUCTORY MEMORANDUM

We come from different nations with varied histories, and in the past, the world has honored each of our struggles for peace and justice with the Nobel Prize for Peace. Today, we speak as one to voice our common concern regarding the destructive effects of the unregulated arms trade. Together, we have written an International Code of Conduct on Arms Transfers, which, once adopted by all arms-selling nations, will benefit all humanity, nationalities, ethnicities, and religions.

This International Code of Conduct would govern all arms transfers, including conventional weapons and munitions, military and security training, and sensitive military and dual-use technologies. The Code stipulates that any country wishing to purchase arms must meet certain criteria, including the promotion of democracy, the protection of human rights, and transparency in military spending. It would also prohibit arms sales to nations that support terrorism and to states that are engaged in aggression against other nations or peoples.

The international community can no longer ignore the repercussions of irresponsible arms transfers. Indiscriminate weapons sales foster political instability and human rights violations, prolong violent conflicts, and weaken diplomatic efforts to resolve differences peacefully. Arms transfers often take place under a cloud of secrecy, and generally respond to the desires of a few while ignoring the needs and rights of the many. Sadly, many governments continue to divert scarce resources toward arms purchases while their people live in abject poverty.

Millions of civilians have been killed in conflict this century, and many more have lost their loved ones, their homes, their spirit. In a world where 1.3 billion people earn less than 1 dollar a day, the sale of weapons simply perpetuates poverty. Our children urgently need schools and health centers, not machine guns and fighter planes. Our children also need to be protected from violence. The dictators of this world, not the poor, clamor for arms.

Once in effect, this International Code of Conduct on Arms Transfers would prevent undemocratic governments from building sophisticated arsenals.

Governments which systematically abuse internationally recognized human rights through practices such as torture or arbitrary executions would not receive military training. Countries who commit genocide would not be able to buy munitions. Governments engaged in armed aggression against other countries or peoples could not buy missiles. States that support terrorism would be prevented from acquiring weapons. In addition, all nations would be required to report their arms purchases to the United Nations. This Code of Conduct would undeniably promote global peace and security, and protect human rights.

We call on all nations to endorse this International Code of Conduct on Arms Transfers. The citizens of the world must demand that leaders support this Code as well as similar efforts on the national and regional level. Only through solidarity, compassion, and courageous leadership can we make violence and its vestiges a distant memory of the past.

INTERNATIONAL CODE OF CONDUCT ON ARMS TRANSFERS

PREAMBLE

Gravely concerned that international transfers of major conventional weapons, small arms and light weapons, and ammunition result every year in human misery and countless deaths, the majority of which are suffered by civilian populations;

Recognising that, according to the UN Charter, every state has a right to individual and collective self-defence against acts of aggression, and that every human being has the inalienable right to life, liberty, and security of person, as stated in the Universal Declaration of Human Rights;

Convinced that conflicts should be settled by peaceful means rather than by the use or threat of force;

Alarmed by the excessive stockpiling of conventional weapons and by their increasingly sophisticated and lethal levels of technology, both of which tend to increase instability through regional arms races;

Recognising that internationally transferred arms and ammunition are frequently used to facilitate and commit human rights abuses and to prevent democratic governance, in contravention of international human rights law;

Recognising, moreover, that these weapons transferred internationally are frequently used to commit acts of aggression between and within states;

Mindful that weapons transfers often result in situations whereby vendor states confront enemies that they themselves have helped to arm;

Concerned that international arms transfers can undermine social and economic development in both exporting and importing countries by diverting scarce resources;

Noting that reduction of global military spending in many countries could release substantial resources for the social and economic development of all peoples and would permit dramatic increases in funding for demobilisation and conversion of resources to peaceful, productive uses;

Reaffirming that the United Nations has an important role to play in maintaining international peace and security through the regulation of armaments, as set forth in the Charter;

Welcoming, in this context, steps taken by Member States to provide for transparency and restraint of arms transfers, such as: the United Nations Register of Conventional Arms, the Panel of Governmental Experts on Small Arms, General Assembly resolutions on curbing the illicit transfer of conventional arms, the standardised reporting form of military expenditures, and the UN Disarmament Commission's Guidelines for International Arms Transfers;

Welcoming also that, in addition to measures of transparency and restraint, regulations on arms transfers have been achieved in specific cases, such as anti-personnel land mine export moratoria and arms embargoes;

Noting, however, that existing regulations are inadequate and that, in order to further the cause of global peace, security, and human rights, a more comprehensive international mechanism to regulate and monitor the transfer of arms must be established.

We hereby call on all governments to abide by the following rules and principles to govern international arms transfers:

SECTION I: DEFINITIONS

Article 1: Arms

For the purposes of this Code, arms include:

A. All weapons, munitions, sub-components and delivery systems, including, for example: battle tanks, armoured combat vehicles, military aircraft, artillery systems, military helicopters, missiles, paramilitary police equipment, mortars, machine guns and sub-machine guns, rifles, pistols, anti-tank weapons, mines, grenades, cluster bombs, and all types of ammunition.

B. Sensitive military and dual-use technologies, including, for example: encryption devices, certain machine tools, super-computers, gas-turbine and rocket-propulsion technology, avionics, thermal-imaging equipment and chemical irritants.

C. Military and security training including the provision of expertise, knowledge or skill in the use of such weapons, munitions, sub-components and sensitive technologies.

Article 2: Transfers

For the purposes of this Code, transfers are defined as:

A. Any transaction resulting in a change of title to, and/or control over, any arms defined in Article 1, and any physical movement of any arms defined in Article 1 from one jurisdiction to another. Such transfers include those conducted in return for direct payment, credit, foreign aid, grants, and goods received as a result of off-set or barter arrangements. They also include transfers of expertise, information, designs, technology or goods under licensing and co-production agreements, leasing arrangements, and arms deliveries in return for which the supplier receives no financial compensation, goods or services. Logistical and financial support for any of the above arrangements are also included.

B. Any provision by one or more persons to another in a different jurisdiction of expertise, knowledge or skill in the use of arms as defined in Article 1 above.

SECTION II: PRINCIPLES

Arms transfers may be conducted only if the proposed recipient state, or recipient party in the country of final destination, is in compliance with all of the following principles:

Article 3: Compliance with international human rights standards

A. Arms transfers may be conducted only if it can be reasonably demonstrated that the proposed transfer will not be used by the recipient state, or recipient party in the country of final destination, to contribute to grave violations of human rights, such as:

- genocide and other crimes against humanity, for example "ethnic cleansing,"[1]

[1] Ethnic cleansing is here defined as mass killings and/or forced displacement on the grounds of ethnicity

- extra-legal, summary or arbitrary executions;
- enforced disappearances;
- torture or other forms of cruel, inhuman or degrading treatment or punishment;
- detentions in violation of international human rights standards.

Arms transfers may be conducted only if the proposed recipient state, or recipient party in the country of final destination:

B. Vigorously investigates, prosecutes and brings to justice those responsible for the above-mentioned violations and abuses of human rights and violations of the laws and customs of war;

C. Makes it part of the training of the armed forces and law enforcement agencies that anyone ordered to commit the above-mentioned grave violations has a duty to refuse;

D. Works towards the establishment of impartial and independent bodies that oversee the protection of human rights and does not impede the free functioning of domestic and international human rights organisations.

Article 4: Compliance with international humanitarian law

Arms transfers may be conducted only if the proposed recipient state, or recipient party in the country of final destination:

A. Does not engage in, or sponsor, grave breaches of the laws and customs of war as set forth in the Geneva Conventions of 1949, and additional Protocols of 1977, and other rules and principles of international humanitarian law applicable during inter-state or intra-state armed conflict which, for example, prohibit arbitrary and summary execution, indiscriminate killing, mutilation, torture and cruel treatment, and hostage taking;

B. Provides access on a regular basis to humanitarian non-governmental organisations in time of conflict or humanitarian emergency, including access of the International Committee of the Red Cross to detainees.

C. Co-operates with international tribunals, either ad-hoc or general, with the power to adjudicate violations of the rules listed under (A).

Article 5: Respect for democratic rights

Arms transfers may be conducted only if the proposed recipient state:

A. Allows its citizens to choose their representatives through free and fairly-contested periodic elections that feature secret balloting;

B. Permits its citizens to express their political views through the freedom to speak, disseminate ideas and information, assemble, associate, and organise, including the organisation of political parties.

C. Has civilian institutions that determine national security policy and control the operations and spending of the armed forces and law enforcement agencies;

Article 6: Respect for international arms embargoes and military sanctions

Arms transfers may be conducted only if the proposed recipient state, or recipient party in the country of final destination:

A. Is in compliance with international agreements relating to arms embargoes and other military sanctions decreed by the United Nations Security Council, whether or not they have been adopted specifically under Chapter VII of the UN Charter;

B. Is in compliance with arms embargoes and other military sanctions decreed by regional organisations or regional arrangements to which it is a party.

Article 7

Participation in the United Nations Register of Conventional Arms Transfers may be conducted only if the recipient state fully participates in reporting arms transfers to the United Nations Register of Conventional Arms, as defined in United Nations General Assembly Resolution 46/36 L of December 9, 1991.

Article 8: Commitment to promote regional peace, security and stability

Arms transfers may be conducted only if the proposed recipient state or recipient party in the country of final destination:

A. Is not involved in an armed conflict in the region, unless it is recognised by the UN as being engaged in an act of self-defence in accordance with Article 51 of the UN Charter; or is playing a role in a UN-mandated operation;

B. Is not, as a result of this transfer, introducing weapons beyond those considered appropriate for its legitimate self-defence; or introducing a significantly more advanced military technology into the region;

C. Recognises the right of other UN-recognised states in the region to exist within agreed boundaries, and agrees to submit disputes relating to territorial claims to third party settlement;

D. Carries out and/or respects an agreed cease-fire as party to a former conflict;

E. Does not advocate national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, in particular propaganda inciting individuals to overthrow their own or a foreign government, or inflammatory propaganda in pursuit of the vindication of territorial claims;

F. Is not engaged in armed actions or practices which are likely to lead to a significant number of displaced persons or refugees.

Article 9: Opposition to terrorism

Arms transfers may be conducted only if the proposed recipient state, or recipient party in the country of final destination:

A. Has ratified, and is not in violation of, the international conventions and instruments concerning terrorism or acts associated with terrorism, including, for example: the Tokyo Convention on Offences and Certain Acts Committed Onboard Aircraft; the Hague Convention for the Suppression of Unlawful Seizure of Aircraft; the Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civilian Aircraft; the Convention on Offences Against Internationally Protected Persons (New York Convention); the International Convention Against the Taking of Hostages (Hostages Convention); and the Convention on the Physical Protection of Nuclear Material;

B. Is in compliance with the international obligations relating to the apprehension and prosecution or extradition of terrorist suspects found within the territory of the recipient state; or of persons indicted by an international ad-hoc War Crimes Tribunal or by an international criminal tribunal;

C. Does not allow its territory to be used as a base for terrorists, or as a base to supply or direct terrorists.

Article 10: Promotion of human development

Arms transfers may be conducted only if the recipient state's expenditures on health and education combined exceed its military expenditures, unless the recipient state can reasonably demonstrate that such transfers are justified by exceptional needs to counter acts of aggression.

SECTION III: IMPLEMENTATION

Article 11: Enacting the Code

All States shall introduce national legislation and regulations which ensure effective implementation and enforcement of this Code. Such laws and regulations shall:

A. Incorporate this Code;

B. Provide mechanisms for public scrutiny of all transfers in advance of any decision to authorise a transfer;

C. Require end-use certification which incorporates the principles of the Code into legally binding conditions for the receipt of arms. End-user certification must identify both the recipient, and the actual use to which the equipment will be put;

D. Establish effective channels for receiving information on implementation of the Code from non-governmental organisations.

E. Require States to make a criminal offence any transfers made in violation of the Code, or any attempt to effect, to conspire to effect, or to incite any such transfer.

Article 12: Monitoring the Code internationally

All States shall:

A. Provide an annual report on the implementation of the Code to the Secretary-General of the United Nations who will report to the General Assembly;

B. Consult each other and cooperate with each other bilaterally, through the Secretary General of the UN, or through other appropriate international procedures to resolve any problems that may arise with regard to the interpretation and application of the provisions of this Code; and shall consider measures designed to encourage compliance, including collective measures in conformity with international law.

Article 13: Verification

Parties to the Code shall convene a review two years after this Code comes into operation with the specific purpose of developing an effective verification commission.

UNITED NATIONS **S**

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LETTER DATED 24 FEBRUARY 2000 FROM THE PERMANENT REPRESENTATIVE OF UGANDA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions of my Government, I refer to my letter dated 3 February 2000 (S/2000/89) and I have the honour to forward to you a statement by the Government of Uganda (see annex) in response to the continued and unresearched volume of allegations (S/2000/122 of 16 February 2000) by the Democratic Republic of the Congo regarding the humanitarian situation and alleged massacres in Orientale Province of the Democratic Republic of the Congo. The Government of Uganda totally rejects the unresearched and unfounded allegations made in total disregard of the history of the region. Once again the Government of Uganda invites the authorities in the Democratic Republic of the Congo to commit themselves to the peace process and to the efforts currently under way by the United Nations Security Council.

I should be grateful if you would have the present letter and its annex distributed as a document of the Security Council.

(Signed) SEMAKULA KIWANUKA
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Uganda
to the United Nations

00-31530 (E) 250200

/...

Annex

Statement by the Government of Uganda

It is a historical fact that the Great Lakes region has for decades been suffering from ethnic conflicts. One of the commonest forms that the conflicts take is ethnic clashes, as has been witnessed in Rwanda, Burundi, southern Sudan and the Democratic Republic of the Congo. The frequency and intensity of these conflicts have been observed to have a direct relationship with the length of time during which people have been subjected to dictatorship, injustice, human rights abuses and other forms of bad governance. Most unfortunately, in some cases these clashes have been directly instigated or openly abetted by bad leaders.

Indeed the current bloody clashes between the Lendu and Hema ethnic groups in the Blukwa district of north-eastern Congo are taking the form of a familiar pattern arising from incitements and fuelling of ethnic hatred launched by the Government and spearheaded by President Kabila himself, who appeared on national television and radio in 1998 to incite certain ethnic groups against other groups with whom they had co-existed for centuries. These incitements have from time to time resulted in armed confrontations between groups against a background of pre-existing tensions created by colonial legacy, by economic stagnation, by population pressure, and by the weakness of State structures that normally support law and order.

The bad blood between the Lendu and the Hema can be traced back to the colonial period during which the resources of the region were unevenly distributed as part of the policy of divide and rule. As a consequence of these bad policies the minority Hema ended up with more land concessions, and greater access to education and public jobs than the majority Lendu. This situation could of course have been corrected if it had been addressed by a progressive and responsible government after independence. But 30 years of misrule perpetuated these bad administrative and economic policies and served to aggravate the situation.

According to reports received by Ugandan security agencies, armed clashes started occurring in the areas of Nyangarai, Katoto, Kunda, Fataki, Djungu and Nyoka among others in June 1999. More recently, between 6 and 9 January this year, violent clashes have taken place in seven localities, leading to the death of between 1,000 and 2,000 people. The violence was accompanied by extensive looting and by the destruction of property. The principal weapons used in the attacks were machetes and spears, as well as bows and arrows. Land disputes appear to be at the centre of the conflict.

One thing is clear: the clashes have nothing to do with the presence of Uganda People's Defence Forces in the area. While the principal weapons used by the tribesmen are bows, arrows, spear and machetes, UPDF are armed with modern weapons, which are used to counter Ugandan rebels who are trained and armed by the Sudan and who try to take advantage of the power vacuum in eastern Congo to launch attacks against Uganda. The two conflicts are distinct though they spread across the same geographical area. The tribal massacres involve

Congolese communities who are not involved in the renegade activities of Ugandan rebels and their Interahamwe allies. This can be attested to by non-governmental organizations and journalists who are operating in the region. There is therefore no truth in the claim made by the Government of the Democratic Republic of the Congo that the massacres are a consequence of the presence of UPDF troops on Congolese territory.

The above-mentioned facts notwithstanding, the Government of Uganda has made some effort to try to diffuse the tensions and thereby contribute to the ending of the conflict. Last year we worked with the provincial authorities to set up a commission which was established on 30 October 1999, charged with the task of bringing the fighting to an end, working for the restoration of law and order, and holding discussions with the leaders of the conflicting groups with a view to devising ways of redressing the existing imbalances in land distribution in the area. The Government of Uganda fully recognizes that this conflict is an internal problem which can only be resolved by the Congolese people themselves. Nevertheless efforts are being made to increase the deployment of UPDF troops around the areas of conflict in order to assist provincial authorities with their efforts to establish law and order in the area. Assistance is also being given to the Rassemblement congolais pour la démocratie to train civilian police and to strengthen the judicial system.

The Government of Uganda wishes to state the following:

That it has never been involved in any human rights abuse on the territory of the Democratic Republic of the Congo. None of the sources which have been cited by the Government of the Democratic Republic of the Congo about the massacres in Blukwa district have suggested this;

That it welcomes impartial investigations into the causes of these massacres;

That it is ready to cooperate with the Joint Military Commission and the United Nations in order to provide security and humanitarian relief to the affected communities;

That the long-term solution to periodic ethnic massacres in the Democratic Republic of the Congo can only be arrived at through the inter-Congolese national dialogue as provided for in the Lusaka Peace Agreement;

Finally, the Government of Uganda endorses the efforts currently being made by the Security Council to support the Joint Military Commission and the inter-Congolese national dialogue with a view to diffusing the larger conflict in the Congo of which the Lendu/Hema conflict is only a part.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/2000/148
24 February 2000
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 24 FEBRUARY 2000 FROM THE PERMANENT REPRESENTATIVE OF MOROCCO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you herewith the memorandum submitted to the Secretary-General of the United Nations by the Minister for Foreign Affairs and Cooperation of the Kingdom of Morocco (see annex). I should be grateful if you would have this letter and its annex distributed to the members of the Security Council and issued as a document of the Security Council.

(Signed) Ahmed SNOUSSI
Ambassador
Permanent Representative

00-31536 (E) 250200 250200

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Annex

[Original: English and French]

At the moment when the United Nations has just completed the identification process and published the second provisional list of voters and following your latest report to the Security Council, which contains an analysis of the difficulties and problems of implementing the referendum process of which Morocco took due note as it unfortunately confirms some of its own fears and apprehensions, the Government of the Kingdom of Morocco wishes to convey to you and to the Security Council its observations and conclusions on the implementation of the Settlement Plan, the progress of the identification process and, in particular, the prospects for the implementation of the appeals procedure.

Morocco has already had occasion to discuss with you and with the members of the Security Council, either directly or in writing, the difficulties, shortcomings and errors which have undermined the legality of the identification process.

With the completion of that process, we realize that the results it has produced confirm the fears repeatedly expressed by Morocco as to the circumstances under which the identification process was taking place.

Indeed, ever since the adoption by the Security Council of the Settlement Plan contained in documents S/21360 and S/22464, Morocco had continuously stressed that the identification process must take place in conditions allowing all Saharans to participate in the referendum, without discrimination between those who were included in the Spanish census of 1974 and those who were not counted for political or economic reasons.

From the adoption of the identification criteria by the Security Council in 1991 onwards, the other party expressed opposition and its desire to see the referendum restricted to those included in the census, in order to prevent the participation of all Saharans who had fought against Spanish oppression and occupation, as recognized even by the former colonial Power, and had sought refuge in Morocco for both political and economic reasons.

This position was all the more blatant and illogical in that the Settlement Plan, accepted by the parties and endorsed by the Council, specified clearly that the Identification Commission must examine all applications from all persons claiming the right to participate in the referendum on the grounds that they are Saharans and were not counted in the 1974 census.

This right was also affirmed by the Conference of Tribal Chiefs, held in Geneva in 1990, whose declaration solemnly provided that no Saharan should be prevented from proving his or her Saharan origin.

The identification criteria adopted by the Security Council in its resolution 725 (1991) were the legal embodiment of this principle.

The Settlement Plan, the identification criteria and the compromise on their interpretation gave persons not included in the census the right to use oral testimony to prove that they belonged to Western Sahara.

This means of proof, accepted by the parties and confirmed by legal provisions, was diverted from its purpose from the very beginning of the identification process and was transformed into a veto right which the other party used against the acceptance of applicants put forward by Morocco and not included in the census.

The Settlement Plan, the identification criteria and the compromise on their interpretation do not in fact require that applications filed by Saharans not included in the census be subject to the opinion of two sheikhs. The oral testimony of one sheikh should be enough, according to the Plan, to help the Commission make a decision.

But it was hard to imagine that those who publicly support the restriction of participation in the referendum would allow their sheikhs to testify in favour of Saharans put forward by Morocco and not included in the census.

From the beginning of the process, Morocco drew the attention of MINURSO and the United Nations to this serious deviation from the provisions of the Settlement Plan.

The only response to our concerns by officials of the Identification Commission was to ask us not to overestimate the significance of the testimonies of sheikhs from the Frente POLISARIO and their impact on the Commission's decisions.

Developments in the process confirmed our fears, particularly when the President of the Commission circulated on 5 May 1998 a letter asking the members of the Commission to accept among candidates not included in the census only those who fulfilled one of the following three conditions: positive concurring testimonies of two sheikhs, possession of documents, or testimony in favour of other members of the family. Thus, what we had feared finally became institutionalized, despite the spirit and the letter of the Settlement Plan.

The analysis of the results of the first phase of the identification process and the results of the second phase clearly demonstrate that almost all applicants opposed by the sheikhs of the other party were rejected by the Identification Commission.

The acceptance rate of applicants from the tribal groupings contested by the Frente POLISARIO since the beginning of the process further illustrates this situation. Consequently, notwithstanding the provisions of the protocol and the guidelines concerning the identification process, the stipulation that two sheikhs must give concurring testimony does not seem to have been dropped.

It is true that rejected applicants can use the appeal procedure to point out any irregularities and to demand that decisions which they consider unfounded be reversed.

However, the problem of the value of oral testimony is bound to arise again, and unless the principle of concurring testimony is permanently waived, appeals will lead to the same injustices being committed by the Identification Commission.

By rectifying this error, which has never been accepted, we would simply be going back to the provisions of the Settlement Plan with regard to concurring testimony, which they do not mention at all. What would have to be done would be simply to apply the principles of logic if the real aim is to have a democratic, equitable referendum.

That being said, the lack of experience of some members of the Commission, and their ignorance of the customs and dialects of the region, have significantly complicated the implementation of the identification process and have led repeatedly to negative results which our applicants have seen as seriously unfair.

The revision of the results of the Identification Commission is another procedure which was established in violation of the Settlement Plan and has done significant harm to Morocco and its applicants.

According to the provisions of the Settlement Plan, a challenge through the appeals procedure is the only means of striking from the list an applicant already accepted by an office of the Identification Commission.

Unfortunately, the Identification Commission established a revision committee which revised downwards the number of accepted applicants, lists of whom had been officially communicated to us.

This irregular procedure not provided for in the Settlement Plan is unfair because applicants who had already been accepted were subsequently turned down without being informed of the reasons and without being given the right to argue in favour of being maintained on the lists of accepted applicants.

Morocco officially requested that this unfair situation be corrected and it hopes that the 7,000 applicants affected by this revision will regain their rights before the beginning of appeals.

As far as Morocco is concerned, the requirements of fidelity to the Plan and equity for the populations of the Territory, which underlie its position on the identification process, are today the main focus of the debate on appeal procedures.

Applicants to whom the Commission did not do justice would like to be able to count on appeals being carried out in a proper manner so as to be able to claim their rights.

From Morocco's standpoint, the consideration of appeals at the admissibility stage should be limited, as provided for in the procedures and operational guidelines for appeals, to a technical evaluation, followed by automatic referral to the appeals body of all applications which fulfil conditions of form.

Any attempt to consider the substance of the appeal documents, particularly the testimony presented by an applicant in support of his appeal, would constitute a premature and partial judgement that amounted to denying the applicant the opportunity to be heard by the appeals body.

The concern of the international community being to hold an equitable and credible referendum, all those who have been adversely affected must be heard by an appeals body and have their rights restored.

Given this basic requirement, Morocco cannot agree to a procedure which, on the pretext of adhering to the timetable, would be selective and disqualify a priori some applicants.

Likewise, no political or legal consideration and no technical or financial pretext could or should prevent the exercise of the inalienable and imprescriptible right of rejected applicants to appeal.

As to the consideration of appeals on the substance, Morocco would like to reiterate its position with regard to oral testimony.

Experience has shown that relying on the sheikhs of the other party amounts to giving that party a veto right which is not provided for in the Settlement Plan. As we see it, this illegal practice ought to be abolished if we are to have a fair and equitable referendum allowing all Saharans to take part in determining the fate of this region.

The testimony of one sheikh who fulfils the agreed conditions, in addition to that of any witnesses, should suffice to prove that an applicant belongs to the Territory and has the right to participate in the referendum.

The appeals phase being the final stage before the establishment of the definitive list of voters, Morocco hopes that it will be marked by a serious, sustained effort on the part of the United Nations to guarantee impartiality, objectivity and equity. Otherwise, the whole process will lose its credibility and even its raison d'être.

That being said, in the implementation of the Settlement Plan we must all be mindful of the human dimension of this question, namely, the fate and the future of thousands of refugees abusively displaced from their homes 25 years ago and separated from their families to serve as a means of pressure and as currency (we will not mention, for example, the hundreds of children sent abroad for military training).

Those refugees, who are vulnerable and are forced to live a precarious life in camps outside the Territory, have only one aspiration: to return to their homeland. In order for that to happen, they must be able to express their will without constraints. Has not the Representative of the United Nations High Commissioner for Refugees (UNHCR) recognized the existence of such constraints on the part of the Frente POLISARIO, which he characterized as "influence"?

Morocco, for its part, repeatedly calls on UNHCR to shoulder its responsibilities towards these refugees in accordance with its humanitarian

mandate, in order to guarantee their repatriation and secure the requisite conditions for them to express in all freedom and without any constraints, direct or indirect, their right to return voluntarily to the Territory.

Recently, during the visit of a UNHCR delegation to Morocco in November 1999, the Moroccan Government once again invited UNHCR to intensify its efforts, in order to protect the refugees in the camps at Lahmada against the blackmail and pressure on them to demand to be settled to the east of the wall.

Morocco denounced then and continues to denounce the attempt by the other party to force the refugees to request repatriation to the east of the wall by making them fear for their safety if they were to return to the Territory.

This new device is simply a pretext to keep these refugees under its influence and to prevent them from rejoining the thousands of their brothers and sisters who have returned to the Territory.

In anticipation of their return, Morocco has already prepared the necessary infrastructures for accommodating the refugees and their families.

These infrastructures are in addition to the tremendous investment and capital development effort launched by Morocco since 1975 to bring this Territory up to the level of other parts of Morocco in terms of economic and social development.

Now that the refugees have been pre-registered and identified, it seems unfair and inhuman not to allow them to return home, where every arrangement has been made to receive them and to settle them permanently.

To this end, our Government is ready to take, in coordination with UNHCR, the necessary confidence-building and information measures to correct the indoctrination and psychological conditioning imposed on them and to brief all displaced persons as to their rights in a Territory and in a country known to be a country of law and freedom.

As we have said, UNHCR will of course receive, as soon as it is organized and its officers appointed, all our assistance and the necessary facilities to fulfil its mission in close cooperation with the Moroccan authorities, during both the repatriation and the settlement of the refugees.

UNITED NATIONS **S**

Security Council

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S/2000/149
29 February 2000
ENGLISH
ORIGINAL: ENGLISH, FRENCH AND RUSSIAN

Draft resolution

The Security Council,

Recalling all its previous resolutions on the Western Sahara, in particular resolution 1108 of 22 May 1997,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994,

Welcoming and encouraging efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

Welcoming the report of the Secretary-General of 17 February 2000 (S/2000/131) and the observations and recommendations contained therein,

Reiterating full support for the continued efforts exerted by the Secretary-General, his Personal Envoy, his Special Representative and the United Nations Mission for a Referendum in the Western Sahara (MINURSO) to implement the Settlement Plan and agreements adopted by the parties, to hold a free, fair and impartial referendum for the self-determination of the people of the Western Sahara,

Noting the concern expressed in the report about the possibility of achieving a smooth and consensual implementation of the Settlement Plan and agreements adopted by the parties, despite the support given by the international community, and urging the parties to cooperate so as to achieve a lasting solution,

1. Decides to extend the mandate of MINURSO until 31 May 2000;

2. Supports the intention of the Secretary-General, as stated inter alia in his report, to ask his Personal Envoy to consult the parties and, taking into account existing and potential obstacles, to explore ways and means to achieve an early, durable and agreed resolution of their dispute;

3. Requests the Secretary-General to provide an assessment of the situation before the end of the present mandate;

4. Decides to remain seized of the matter.

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UNITED
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Security Council

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S/2000/150
25 February 2000

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS CIVILIAN POLICE MISSION IN HAITI

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1277 (1999) of 30 November 1999, by which the Council decided to continue the United Nations Civilian Police Mission in Haiti (MIPONUH) in order to ensure a phased transition to an International Civilian Support Mission in Haiti (MICAH) by 15 March 2000. In that resolution the Council requested me to coordinate and expedite the transition from MIPONUH and the International Civilian Mission in Haiti (MICIVIH) to MICAH and to report to it on the implementation of the resolution by 1 March 2000. This report covers the activities of MIPONUH and developments in the mission area since my report of 18 November 1999 (S/1999/1184).

2. As members of the Security Council will recall, the establishment of MICAH was approved by the General Assembly in its resolution 54/193 of 17 December 1999 to consolidate the results achieved by MIPONUH and MICIVIH and previous United Nations missions. The transition process to the new mission is being coordinated by my Representative in Haiti and Head of MIPONUH, Alfredo Lopes Cabral, on the basis of continuing consultations with the Haitian authorities, the Executive Director of MICIVIH, Colin Granderson, and with the group of Friends of the Secretary-General for Haiti, namely Argentina, Canada, Chile, France, the United States of America and Venezuela.

II. POLITICAL SITUATION AND ELECTIONS

3. During the reporting period, the security situation in Haiti was characterized by frequent demonstrations and by incidents of violence and robbery. At Jérémie, on 10 December, seven houses were destroyed by arson, allegedly election-related. On 11 January, an agitated crowd attacked with rocks the police station of Fort Liberté to demand the release of a murder suspect so that they could lynch him. The disorders escalated and a 14-year-old boy was killed. It was not possible to ascertain the origin of the shooting. On 17 February the residence of a United Nations civilian police officer was robbed at gun point by six individuals, and the officer was slightly injured.

4. The period from mid-November to early December 1999 was marked by the expulsion of more than 20,000 migrant workers of Haitian nationality or descent from the Dominican Republic. The situation stirred up public sentiment and led to some calls for a boycott of Dominican products and the restoration of the Haitian armed forces. Negotiations between the Haitian and Dominican Foreign Ministers led to the signature on 2 December 1999 of an accord providing, inter alia, for the humane treatment of repatriates and requiring the Government of the Dominican Republic to give advance notification of any future expulsion plans to their Haitian counterparts.

5. Since my previous report, the political climate in Haiti has been dominated by pre-electoral activities. Despite some election-related disturbances, and organizational problems and delays, the Provisional Electoral Council (CEP) has so far proceeded with the implementation of its electoral timetable. It is hoped that this process will culminate in the holding of legislative and local elections as scheduled on 19 March 2000.

6. The process of registration of political candidates was initially scheduled to last from 15 November to 10 December. As the process was slow at the start, with no candidates for national office forthcoming during the first two weeks of the registration campaign, CEP extended the deadline by two days, which prompted a surge in the number of registrations.

7. The majority of political parties and alliances, including Fanmi Lavalas, Organisation du peuple en lutte (OPL), Pati Louvri Baryè (PLB), Espace de concertation and Mouvement patriotique pour le sauvetage national (MPSN), have confirmed that the registration of their candidates was concluded on 12 December 1999. The political class and civil society participated broadly in the registration process. According to CEP, over 29,000 candidates belonging to a large number of parties, political groupings and independents, competing for more than 5,000 national and local seats, have registered.

8. Fanmi Lavalas held its party congress from 14 to 16 December 1999 and used the occasion to present a new party platform spelled out in a white paper (livre blanc). On the opening day, the Fanmi Lavalas guest list included politicians and members of the private sector of widely diverging political convictions. Former President Jean-Bertrand Aristide pleaded for dialogue, respect and tolerance during the time remaining before the elections.

9. President René Préval expressed support for the Lavalas movement, eliciting criticism from opposition politicians. They claimed that the congress intertwined party and government business and accused the Lavalas supporters of having illegally obtained access to public vehicles.

10. The opening ceremony of the Provisional Electoral Council's civic education campaign was marred in October by protests by supporters of former President Aristide, and the campaign has not been launched since despite repeated calls by the opposition parties. The Council's controversial decision to award a contract for the printing of ballot papers to a local company caused the cancelling of financial commitments to this element of the electoral process by the European Union, which had voiced reservations about the integrity of the

competitive bidding process. The printing of ballot papers was eventually financed through government funds.

11. On 4 January 2000, CEP held a conference with the political parties to obtain their commitment to an electoral code of ethics binding them to pursue their electoral objectives by non-violent means. Numerous parties including Fanmi Lavalas signed the code. Espace de concertation also signed at a later date, after obtaining amendments to the text. Other parties, among them OPL, the Mouvement catholique pour une nouvelle Haïti (MOCHRENA) and MPSN have not signed so far.

12. The voter registration campaign was launched on 24 January 2000. However, registration started late in areas where there was electoral violence. Popular organizations have been protesting about the insufficient number of registration bureaux. Following the protests, as well as requests from political parties and President Préval, CEP indicated that it would endeavour to establish more than the originally foreseen 3,500 registration bureaux throughout the country. Despite the slow start and the insufficient number of bureaux, CEP has announced that more than 3 million voters had registered by 14 February 2000. These figures were called into question by other observers. Irregularities in the registration process occurred at Saint Louis du Sud, where a number of people managed to obtain more than one electoral card. Frauds and irregularities were also reported at Jacmel, Hinche and La Gonâve.

13. A number of logistical problems caused delays in the registration process. Shortages of registration materials and photographic equipment to issue picture identification cards occurred. Registration and identification card forms were frequently unavailable in sufficient number because of transport and storage problems. In some cases, electoral material was vandalized or stolen. Furthermore, budgetary pressures on CEP led to complaints among some electoral workers about their salary levels. CEP has announced that, to accommodate those voters who were unable to obtain their electoral identification cards in the early stage of the registration period, the registration campaign deadline will be extended by nearly two weeks, until 3 March 2000.

14. The blocking of the electoral registration process at Anse d'Hainault is cause for concern. Late in December 1999, the name of the former mayor of the town, George Simon of the ESKANP (Espas Solidarité Kan Popilè) party, was taken off the ballot on the ground that, against the electoral law, he had started the electoral campaign prematurely. Subsequently, he and a number of his political associates entered the local communal electoral bureau, firing rifles in protest and wounding at least one bystander.

15. Representatives of ESKANP and Kowòdisyon Resistans Grandans (KOREGA) argued that electoral officials at Anse d'Hainault and elsewhere in the Grande-Anse area had been partial in their handling of electoral matters and should therefore be removed from office. Members of the communal electoral bureau, for their part, called for the arrest of the former mayor and voiced concerns for their security. Arson at the Grande-Anse electoral registration bureaux of Beaumont, Dame-Marie and Petit-Goâve on 22 and 23 January 2000, and the looting of the house of KOREGA members in Anse d'Hainault further aggravated the climate

of tension and discord between electoral officials and some of the political parties.

16. On 11 January 2000, CEP reinstated Mr. Simon as a candidate. As the critics of CEP remained firm and demanded personnel changes in the Grande-Anse electoral establishment, the CEP President, Léon Manus, indicated on 7 February that CEP would consider making personnel changes in the departmental electoral bureau. This statement was then retracted, and no change has been made so far. Tension remains high in the Grande-Anse area and, despite meetings between Espace de concertation, ESKANP and KOREGA to discuss ways to restart the electoral registration process in Anse d'Hainault, the local communal electoral bureau has not reopened so far.

III. DEPLOYMENT AND OPERATIONS OF THE UNITED NATIONS CIVILIAN POLICE MISSION IN HAITI

17. The Security Council mandated at the outset of MIPONUH that it should be composed of up to 300 civilian police officers, including a 90-strong special police unit, along with the necessary support personnel. On 21 February 2000, the civilian police element comprised 219 officers from 10 countries (see annex). In accordance with its mandate, MIPONUH has continued to deploy its civilian police element throughout Haiti's nine departments, while the special police unit has remained in Port-au-Prince. The unit has continued to provide security for Mission personnel and property on a 24-hour basis.

18. In the area of training, MIPONUH had already attained the objectives established for the Mission by the Director-General of the Haitian National Police in November 1999. The curriculum of training courses designed by MIPONUH in cooperation with the police has thus been taught comprehensively. During the reporting period, MIPONUH continued to provide additional courses, in particular in the areas of border police operations, crowd control and first aid. The emphasis has remained on the training of trainers.

19. Civilian police officers have continued to discharge their mentoring (accompagnement) responsibilities at the Offices of the Director-General and Inspector-General of the Haitian National Police, as well as alongside the departmental directors of the police force. The emphasis has remained on community policing, the maintenance of law and order, the fight against capital crimes and drug trafficking, and the reinforcing of police administration and logistics.

20. Training for National Police crowd-control units (Compagnies d'intervention et de maintien de l'ordre) has similarly continued. Such training ended on 25 February 2000 with the completion by 46 National Police officers of a crowd-control course. The Haitian National Police has prepared and implemented a security master plan for the elections and is now believed to be in a position to meet the majority of public security challenges effectively.

21. MIPONUH has continued its cooperation with bilateral programmes for police training, such as the ones sponsored by Canada, France and the United States of

America. Cooperation with MICIVIH has also continued and included a seminar on human rights for senior police officers in the Département du Nord.

22. A disengagement plan has been established to ensure the progressive withdrawal of MIPONUH civilian police personnel. The special police unit is scheduled to be withdrawn on 16 March (see also para. 43 below).

IV. HAITIAN NATIONAL POLICE

23. In my previous report (S/1999/1184, paras. 17, 18 and 22), I outlined some of the problems faced by the Haitian National Police as a result of the resignation of the Secretary of State for Public Security, the assassination of former army colonel Jean Lamy, who had been a consultant to the Director-General of the Haitian National Police, the assassination attempt against the Director of the police judiciaire, as well as various other acts of aggression against members of the police service. During the reporting period, the situation improved, both with regard to morale and the attained results.

24. In 1999, 20 police officers were killed, the majority of them during the exercise of their functions. However, the number of capital crimes against police officers has declined considerably since November 1999. The number of police officers accused of human rights violations and other instances of inappropriate or criminal conduct has also been on the decline for several months.

25. While the security situation in Haiti remains of concern, the police force has been able to work with increased efficiency in recent months. Since December 1999, command structures have been reorganized and the terms of reference for senior-level posts have been revised; 46 additional officers for crowd-control units have been deployed and 85 new vehicles have been added to the fleet. Of those 85 vehicles, 50 were funded by the Government and 35 by the United Nations Development Programme (UNDP) through a donation by the Government of Japan. As a result, the Haitian National Police was able to undertake several successful operations in the fight against delinquency and drug trafficking and, in most cases, to provide adequate security during election-related events.

26. Over the past five years, with the assistance of the international community, the Government of Haiti has given priority to the institutional development of its national police force, with increasingly positive results in the areas of organization, effectiveness and credibility. Further progress in the professionalization of the force can be achieved only in the context of an integrated effort at institutional development addressing the reform of the justice sector as a whole. The assistance foreseen under MICAH is expected to consolidate and further expand the results already achieved by MIPONUH in this regard.

27. During a recent interview in Miami, President Préval questioned the qualifications of the Director-General of the Haitian National Police. The President's statement, which prompted criticism by political parties, has been

interpreted as an attempt to gain more control over the activities of the police force.

V. ACTIVITIES IN THE AREA OF HUMAN RIGHTS

28. In the context of the transition to MICAH, MIPONUH and MICIVIH have held a series of coordination meetings with a view to harmonizing their respective activities and preparing the transition.

29. During the reporting period, MICIVIH has continued to discharge a wide range of institution-building activities. At the request of the Director-General of the Haitian National Police, the Mission is conducting courses at all the regional centres, in order to promote police impartiality and respect for human rights during the electoral process. MICIVIH has also continued its contribution to the training of recruits at the police training school, with a special focus on respect for the rights of women and children.

30. MICIVIH has also continued to provide legal assistance to the prison administration and to participate in the meetings of the working groups of Haitian and international experts set up last year by the Minister of Justice to get the judicial reform process under way. MICIVIH continues to provide support for the work of the Office of the Ombudsman and to lecture at the Magistrates School on respect for international human rights standards in the application of the law in Haiti.

VI. JUSTICE SYSTEM

31. During the month of February, meetings were conducted by the Prime Minister and the Minister of Justice with my Representative, the UNDP representative and bilateral donors to prepare the assistance to judicial reform in the context of MICAH. These initiatives suggest that the Government of Haiti is committed to the reform of the justice system and to ensuring effective coordination among all the actors in this sector. My Representative continues to liaise with bilateral donors with a view to ensuring better coordination of the international community's interventions in the justice sector.

32. The eight joint working groups composed of Haitian officials and international experts established last year by the Minister of Justice (see S/1999/1184, para. 24) have continued to work on the drafting of legal texts with a view to promoting the judicial reform process.

33. The Port-au-Prince Government Prosecutor (Commissaire du Gouvernement) Florence Matthieu, was dismissed by the Minister of Justice on 10 February 2000 for alleged serious professional mistakes (fautes administratives graves). The Minister indicated that the Prosecutor had illegally ordered the release of two former police officers and a civilian involved in drug trafficking. The suspects, whose cases are still under review by an examining magistrate (juge d'instruction), had been detained since 1998. Prosecutor Matthieu has rejected all the accusations of impropriety made against her by the Minister and some

human rights organizations have criticized the Minister's decision. A new Prosecutor has now been nominated by the Government.

34. It will be recalled that a former general of the Haitian armed forces, Claude Raymond, who was arrested in July 1996 and accused of conspiring against the State, had been held in pre-trial detention since then, despite court orders to release him. General Raymond died in a Port-au-Prince hospital on 9 February 2000. This case, as well as that of the two former police officers mentioned in paragraph 33 above, have once again underlined the need to address the issue of prolonged pre-trial detention and the non-execution of judicial release orders.

35. In December 1999, jury trials were held in several jurisdictions in the country after a long period of interruption, thereby suggesting an increased commitment by the authorities to restoring the credibility and confidence of the people in the judicial system.

VII. DEVELOPMENT ACTIVITIES

36. The United Nations system has kept up its efforts to implement the Secretary-General's reform programme. The first steps towards the implementation of Economic and Social Council resolution 1999/11 of 27 July 1999 were taken during the previous reporting period with the establishment of a common country assessment orientation committee.

37. During the past three months, under the guidance of the orientation committee, jointly headed by the Prime Minister and the United Nations Resident Coordinator, 17 thematic groups composed of representatives from the Government, United Nations agencies, donor agencies and civil society have made progress in the preparation of the common country assessment. The final common country assessment document is expected to be completed before the elections in March/April 2000. The results of the assessment should provide the basis for the formulation of a long-term national programme of development, the formulation of the United Nations Development Assistance Framework and the revival of policy dialogue and sectoral planning mechanisms once a new parliament and government are in place.

38. The Resident Coordinator's report for 1999 was issued on 31 January 2000. The report outlined the major achievements of the United Nations system during the year, in particular in the areas of poverty eradication, institution strengthening, HIV/AIDS prevention, gender equality and coordination with the United Nations country team in the Dominican Republic.

39. UNDP has continued to support development cooperation efforts aimed at launching a joint project with the Government of Norway to conduct a survey of living conditions, providing technical support to the Provisional Electoral Council, particularly in the regions, and assisting in the procurement of the electoral kits.

40. Other development activities of the United Nations system have included the launching of a United Nations Capital Development Fund programme to strengthen

governance for the environment; the organization by the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Human Rights and MICIVIH of a national workshop for the preparation of the first report on the implementation of the Convention on the Rights of the Child; the supporting by UNICEF of the national commission on girls' education for the organization of a national symposium; the supporting by the World Health Organization (WHO/PAHO) of a national vaccination campaign for 300,000 children; the continuation and enhancement by the World Food Programme of its health and nutrition project; and the continuation of the socio-urban development activities in Port-au-Prince of the United Nations Educational, Scientific and Cultural Organization (UNESCO). UNESCO, in the framework both of the forthcoming elections and the International Year for the Culture of Peace, also called on the candidates to sign the Manifeste 2000 for the Culture of Peace. Furthermore, the International Organization for Migration provided support to the National Office for Migration in facilitating the mass repatriation of the thousands of Haitians expelled by the authorities of the Dominican Republic during the last three months.

VIII. FINANCIAL ASPECTS

41. By its resolution 53/222 B of 8 June 1999, the General Assembly appropriated an amount of $18,641,616 gross for the maintenance of MIPONUH until 30 November 1999 and its liquidation thereafter. The mandate of the Mission was subsequently extended to 15 March 2000 and, in the light of that decision, I obtained a commitment authority from the Advisory Committee on Administrative and Budgetary Questions in the amount of $2.2 million for the extension.

42. As at 31 January 2000, unpaid assessed contributions to the Special Account for MIPONUH amounted to $23 million. The total of the outstanding assessed contributions for all peacekeeping operations at that date was $2.1 billion.

IX. LIQUIDATION OF THE UNITED NATIONS CIVILIAN POLICE MISSION IN HAITI AND TRANSITION TO THE INTERNATIONAL CIVILIAN SUPPORT MISSION IN HAITI

43. A task force was first established in 1999 to plan the orderly withdrawal and liquidation of MIPONUH. By early February 2000, the withdrawal plans for the Mission's civilian police personnel were finalized and their repatriation is expected to be concluded by 15 March. The Mission has earmarked some assets to be retained in MICAH. The liquidation phase is expected to be completed by 30 June 2000.

44. As regards MICAH, the recruitment of police advisors for the new mission is under way. The need to place the advisors with senior-level officials of the Haitian National Police has constituted an integral part of the strategic plan for the police since 1996. The advisers are expected to provide continued training and mentoring support to National Police decision makers, who still do not have all the necessary experience to command and administer their young police force.

45. Concerning the new mission, the Secretariat has identified and recommended candidates for the majority of the positions to be financed under the regular budget. These positions will need to be complemented by personnel that will be financed by extrabudgetary means. While a number of suitable candidates have already been identified for the latter positions, and although these candidates would be ready for deployment in the early stages of the new mission, their recruitment remains subject to the actual receipt of funds pledged by Member States.

X. OBSERVATIONS

46. The restoration and consolidation of democracy have been the overarching goals of all the United Nations missions in Haiti. However, the consolidation of democratic institutions can be accomplished only in a climate of tolerance and if all the actors continue to work peacefully together to carry out free and fair legislative elections and to restore the legislative branch without further delay. All political leaders, therefore, have an obligation to comply with the code of conduct established by the Provisional Electoral Council and to ensure that they and their supporters refrain from any violence, intimidation or any other act that could still put the holding and the fairness of the elections at risk.

47. Notwithstanding the political pressures that followed the resignation of the Secretary of State for Public Security, it appears that the Haitian National Police has maintained its impartiality and played a vital role in ensuring security during the electoral registration process. National Police officers have made their presence felt in electoral offices throughout the country, escorted electoral officials and candidates and guarded the transport and storage of electoral materials. Despite some coordination problems between the Haitian National Police and the Provisional Electoral Council, the overall record over the last three months has indeed been encouraging.

48. The evolution of the electoral process during the period under review is encouraging. Despite numerous obstacles, the Provisional Electoral Council and its electoral workers have made successful efforts to register candidates and voters, prepare and distribute election-related materials, set up and expand registration facilities, and finalize the electoral code of ethics. While deep concern had been expressed in the past that another postponement of the legislative elections would further erode the confidence of the Haitian people in the electoral process, the joint efforts of the Haitian political leaders, the Provisional Electoral Council and the international community have helped to create conditions for meeting the electoral deadline of 19 March 2000.

49. By deciding to establish MICAH, the international community has confirmed that it is committed to continuing to assist the Government of Haiti in the reinforcement of the country's democratic institutions. The new mission is expected to consolidate and develop the results already achieved by MIPONUH and MICIVIH as regards respect for human rights and reinforcement of the institutional effectiveness of the police and the judiciary, and to coordinate and facilitate the international community's dialogue with political and social actors in Haiti. Subject to the availability of resources, the Mission's relatively short-term objectives will be situated in the longer-term perspective

of facilitating the passage from security to development priorities, in line with the recommendations of the Economic and Social Council.

50. Taking into account the views expressed by the Government of Haiti, as well as the recommendations of the Economic and Social Council and the General Assembly, I appeal to Member States to continue to assist in this transition from peacekeeping to peace-building and to contribute to the Trust Fund that has been established for MICAH. That Trust Fund will allow for the recruitment of over 100 advisers in the areas of police, justice and human rights. It will also provide for a minimum of complementary material assistance needed by those advisers and their counterparts in the Haitian National Police, the Ministry of Justice, the Magistrates School, the courts, the prison system and the Office of the Ombudsman.

51. Institutional, social and economic development must be addressed in an integrated manner in order to consolidate democracy and peace. Once Haiti has fully restored its system of government through transparent, fair and credible elections and put in place an elected legislature, the internation l community should respond generously to the country's need for financial support so as to address its serious economic and financial situation and help the new authorities that will emerge from the elections to focus on the fundamental questions of poverty alleviation and social and economic development.

52. Since its inception, MIPONUH has enjoyed the cooperation of the Government and received the support of the Haitian people in its task of professionalizing the Haitian National Police as a cornerstone of Haiti's democracy. I trust that this support will be extended to the new mission as well, once it has been fully established.

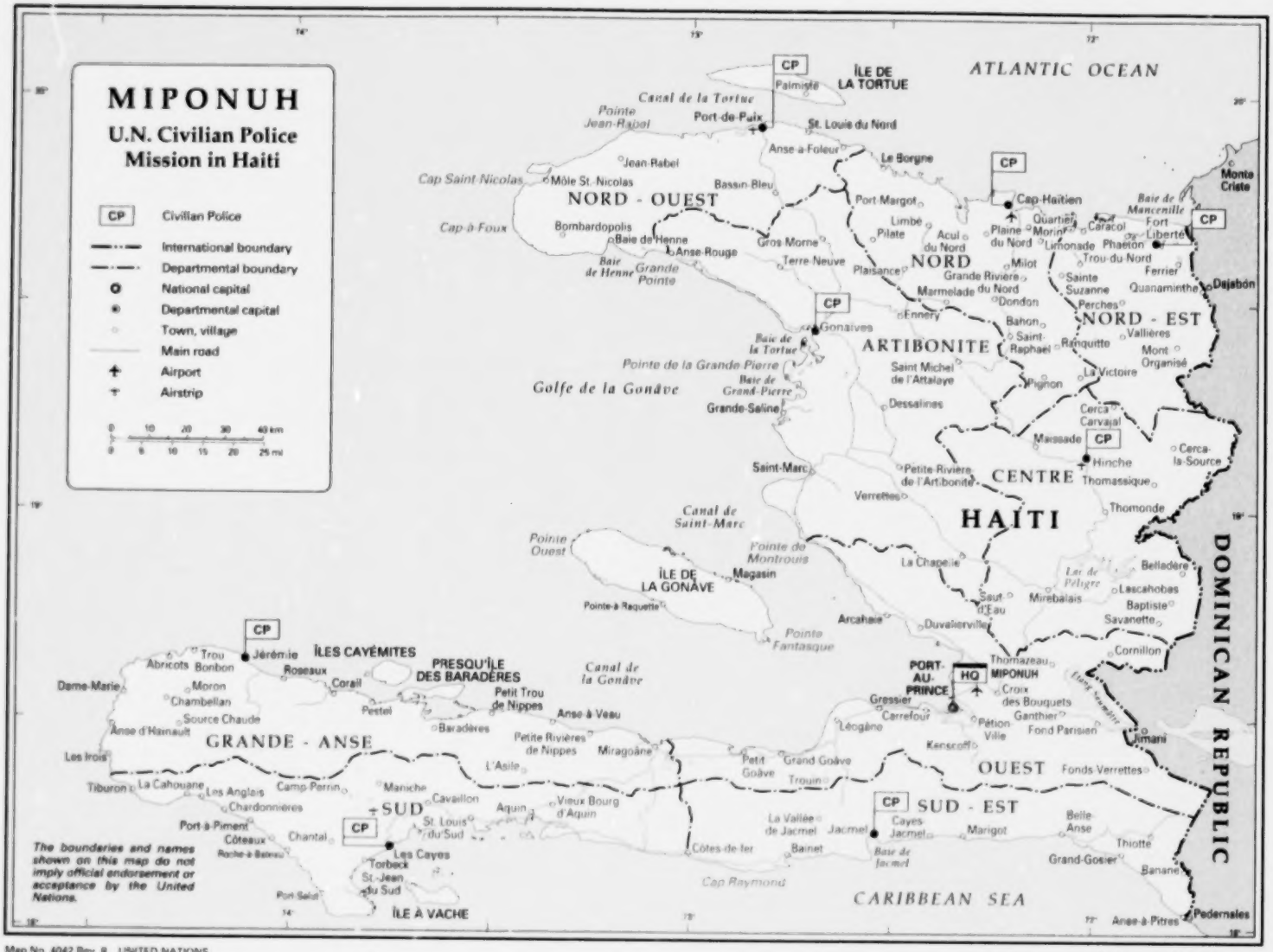
53. Through its presence and active role in Haiti, MIPONUH, and other United Nations peacekeeping missions before it, have provided the people and Government of Haiti with the stability they required during a period of crisis which was having a destabilizing effect on the country's fledgling democracy and threatened to unravel any prospects of developing its economy and society. The consistent backing of the international community, as well as the positive influence of those missions, were essential for the development of democratic institutions and fostering peace, stability and development. Important challenges still lie ahead for Haiti. Accordingly, as the United Nations withdraws its civilian police mission from the country, the Government of Haiti should do its utmost to build on the gains made during the previous missions' presence. It is up to the people and leaders of Haiti to establish an effective and constructive dialogue to enable the country to consolidate what has been achieved so far and to work resolutely towards genuine democracy and economic recovery.

54. As the mandate of MIPONUH comes to an end, I should like to commend my Representative and Head of MIPONUH, the Deputy Representative and the Police Commissioner, as well as the international and local staff of MIPONUH and the Executive Director of MICIVIH and his staff, for their continued efforts in support of United Nations activities in Haiti. I would also like to take this opportunity to once again place on record the valuable contribution of the Friends of Haiti to this Mission.

Annex

Composition of the United Nations Civilian Police Mission in Haiti as at 21 February 2000

Country	Special police unit	Civilian police
Argentina	110	-
Benin	-	5
Canada	-	17
France	-	30
Mali	-	15
Niger	-	3
Senegal	-	6
Togo	-	7
Tunisia	-	3
United States of America	-	23
Subtotal	110	109
Total	**219**	



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